

THE INTERSECTION OF THE VIRGINIA SICKNESS & DISABILITY PROGRAM AND STANDARDS OF CONDUCT



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HR Symposium 2016



AGENDA

- VSDP and Standards of Conduct Intersection
- Roles and Responsibilities
- Return to Work
- Due Process
- Sum it Up

VIRGINIA SICKNESS & DISABILITY PROGRAM POLICY



Employee Compliance - Employees who fail to comply with VSDP program requirements such as contacting the TPA regarding an illness or injury, compliance with return to work arrangements, or completing and returning LTD information to the TPA may have their benefit reduced or terminated and/or may be subject to disciplinary action up to and including termination of employment.

VIRGINIA SICKNESS & DISABILITY PROGRAM POLICY



Suspensions - Employees placed on suspension pending investigation or outcome of employment related court action or disciplinary suspension through Policy 1.60, Standards of Conduct, are not eligible to receive VSDP benefits during the period of suspension and depending upon case facts may not be eligible for Workers' Compensation benefits. If these employees are reinstated to employment in a covered position they will be covered by VSDP and if eligible may receive VSDP benefits.

ROLES AND RESPONSIBILITIES

- Human Resources



- Manager



- Employee



RETURN-TO-WORK

- Return to Work
- Agency Consent
- Employee Compliance



REMINDERS



- All time away from work must be charged to and recorded with an appropriate leave type.
- VSDP and Standards of Conduct policies and procedures should be applied consistently.
- Any medical information provided verbally or in writing must be kept confidential and shared with Reed Group.

GUIDANCE FROM HUMAN RESOURCES



- Employee has an unscheduled absence for five or more consecutive work days.
- Employee's sick leave use has increased over the last few weeks or months.
- Employee is nearing the depletion of paid leave.

VSDP ADMINISTRATION



HUG A BENEFITS ADMINISTRATOR



THE REST OF THE STORY

- Job protection - What it is
 - What it is NOT



- Timeliness of discipline



- Due process





FOR FMLA AND VSDP

JOB PROTECTION means that an employee cannot be terminated due to the **ABSENCES** related to the medical condition being treated.

JOB PROTECTION

It does NOT mean that an employee is protected from being disciplined for events that occurred prior to the absence, during the absence, or discovered since the absence.



CASE SCENARIOS



#1 CASE OF THE VANISHING EMPLOYEE



AMY'S JOB/WORK ENVIRONMENT





“Just the facts, ma’am”

- Customer Service Representative
- Small, busy office serving general public
- Two other employees doing similar work
- Supervisor had noted sporadic attendance which was impacting performance and operations for several months
- Employee filed STD claim which was approved for three months
- Employee has returned to work with job modifications

11-30-16 E-MAIL MESSAGE TO AMY

It is 1:00 and I have not heard from you regarding your attendance today. This does not adhere to the established protocol or your return-to-work plan. When we spoke Monday, I asked if the repeated absences and tardies are related to your STD claim and asked what we can do to address the absences.

There have been 18 work days and three-and-half holidays this month: You have been absent 6 of the 18 scheduled half-days and tardy on 6 other days. You neglected to notify me in advance on the days that you have been tardy. You have not complied with your return-to-work plan for 12 out of the 18 days.

I have contacted HR to discuss our next steps.

Please call as soon as possible so we can be assured that you are okay.

WHAT HAS THE SUPERVISOR DONE RIGHT?

- **Has documented performance related issues, absences/tardies**
- **Explained the need for Amy to follow call-in procedures**
- **Communicated regularly with Amy**
- **Accepted a transitional work schedule**
- **Asked what can be done to help her adhere to the plan**
- **Contacted HR to discuss the next steps**



OPTIONS FOR NEXT STEPS

- Repeated failures to follow protocol in VSDP RTW plan
 - may provide due-process and discipline Amy.
- HR should contact the Reed Group and inform them that the employee is not complying with the RTW plan.
- RTW may need to be modified or Amy may need to go out on claim again.

#2 CASE OF THE SUSPICIOUS CLAIM



JAKE'S JOB/WORK ENVIRONMENT



WHAT SHOULD HAPPEN NEXT?

- A) Investigate the employee's work status at CVS and, if he is employed there, verify the dates of employment and instruct him to report his pay for the period of time overlapping with his STD claim.
- B) Determine if Jake has approval for outside employment.
- C) Based on the co-worker's observations on two different occasions, proceed with counseling or further disciplining Jake because he has filed a false STD claim.

STANDARDS OF CONDUCT



#3 CASE OF THE INADVERTENT MUG SHOT



HAROLD'S JOB/WORK ENVIRONMENT



facebook



PHYSICAL THERAPY, HUH?

- One of Harold's co-workers who has "friended" Harold notifies the HR office about the posting.
- Harold walks into the office on June 5th with a note from his doctor, declaring him able to work full-time, full-duty.
- The BA has forwarded the picture to the Reed Group.

ENSURING DUE PROCESS WHEN EMPLOYEE ON APPROVED CLAIM

- Face-to-face meeting not necessary
- Don't call employees on approved claims into the office
- Letter/phone notification suffices
- Must still allot appropriate amount of time for response



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SUMMARY



- VSDP and SOC Intersection
- Roles and Responsibilities
- Return to Work
- Job Protection
- Due Process



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